

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

In re: Subpoena dated May 18, 2015,
issued to Bradley Boeve, M.D. of the
Mayo Clinic,

Misc. No. 15-MC- 38 PAM/LIB

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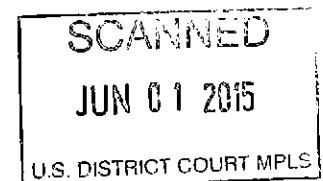
CLERK, U.S. DISTRICT COURT
MINNEAPOLIS, MINNESOTA

**MOTION TO MODIFY
DEPOSITION SUBPOENA TO
BRADLEY BOEVE, M.D.**

TO: Defendant Ruth Ann Larsen and her attorney, Jonathan Smies, Godfrey & Kahn,
S.C., 200 South Washington Street, Suite 100, Green Bay, WI 54103.

PLEASE TAKE NOTICE that non-party Bradley Boeve, M.D. of the Mayo Clinic ("Dr. Boeve") hereby moves pursuant Fed. R. Civ. P. 45(d)(3) to modify the subpoena for deposition issued to him by Ruth Ann Larsen, Defendant in case number 14-CV-504 pending before the Eastern District of Wisconsin. The grounds for the motion are that the subpoena imposes an undue burden on Dr. Boeve, a non-party to the Wisconsin action. Dr. Boeve moves to minimize the burden imposed by the subpoena by limiting it to two hours in length and providing for adequate compensation for time that Dr. Boeve spends at the deposition. Dr. Boeve also seeks an award of the reasonable attorneys' fees and costs incurred in bringing this motion.

This motion is brought pursuant to Fed. R. Civ. P. 45 and 26 and will be based on a Memorandum of Law and accompanying declarations that will be filed upon entry of an Order from the Court authorizing the disclosure and filing under seal of certain protected



health information pursuant to 45 C.F.R. § 164.512(e) and the Privacy Regulations set forth in the Health Insurance Portability and Accountability Act of 1996 ("HIPAA"), contained therein. Accordingly, upon filing of this motion, Mayo Clinic and Dr. Boeve will be seeking a protective order from the Court authorizing disclosure of this information and filing under seal pursuant to the appropriate procedures set forth by the Court.

RESPECTFULLY SUBMITTED

Dated: June 1, 2015

/s/ Gregory E. Karpenko

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